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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,831	10/11/2001	Kamal Acharya	NETS0085	3000

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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,831

Applicant(s)

ACHARYA ET AL.

Examiner

Matthew s Gart

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-- Th MAILING DATE of this communication appears on th cov r sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 and 5-25 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 5-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 2 and 4 were canceled and claims 1, 3, 5, 22 and 23 were amended via Paper No. 13. Claims 1, 3 and 5-25 are pending in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 and 5-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pricescan.com (PTO-892, Ref U) in view of Giovannoli U.S. Patent No. 5,758,328.

Referring to claim 1. Pricescan.com discloses a method for providing an integrated electronic list of providers (page 3), comprising the steps of:

- Determining at least one online provider for an item (page 4, "Does a vendor need to have a web site to be included in the shopping guide");
- Determining at least one offline provider for the item (page 4, "Does a vendor need to have a web site to be included in the shopping guide");
- Wherein the determining step follows a request for a product (page 10);
- Wherein when the request is for a desired geographical area, a user may choose one of several target locations, which have been previously created and stored; and

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- Integrating the at least one online provider with the at least one offline provider to provide an integrated list of providers for the item (page 4, “Does a vendor need to have a web site to be included in the shopping guide”).

Pricescan.com does not expressly disclose a method for providing an integrated electronic list of providers wherein the request is for a desired geographical area, a user may choose one of several target locations, which have been previously created and stored. Giovannoli discloses a method for providing an integrated electronic list of providers wherein the request is for a desired geographical area (Giovannoli: abstract), a user may choose one of several target locations, which have been previously created and stored (Fig. 6). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Pricescan.com to include the limitations Giovannoli as discussed above in order to allow the consumer to save money and help take the hassle out of shopping (Pricescan.com: Page 3).

Referring to claim 3. Pricescan.com further discloses a method wherein the request is for a product category (page 3).

Referring to claim 5. Pricescan.com in view of Giovannoli discloses a method according to claim 1 as indicated supra. Pricescan.com does not expressly disclose a method wherein the request is for a desired geographical area or for a predetermined proximity to a target location. Giovannoli discloses a method wherein the request is for a desired geographical area or for a predetermined proximity to a target location (abstract). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the apparatus, system, and method of

Pricescan.com to include the limitations Giovannoli as discussed above in order to allow the consumer to save money and help take the hassle out of shopping (Pricescan.com: Page 3).

Referring to claim 6. Pricescan.com further discloses a method including providing comparison information for the at least one online provider and the at least one offline provider (page 3 – page 5).

Referring to claims 7-13. Pricescan.com further discloses a method wherein the comparison information includes price, rating, review, availability, promotion, electronic wallet, and return-policy comparison (full text).

Referring to claim 14. Pricescan.com further discloses a method providing comparison information about at least two offline providers (page 4).

Referring to claims 15-16. Pricescan.com further discloses a method wherein the comparison information includes in-store return policy and in-store pickup policy of online purchases (page 4).

Referring to claims 17-18. Pricescan.com further discloses a method wherein the comparison information includes special promotions and coupon-availability information (page 4).

Referring to claims 19-20. Pricescan.com in view of Giovannoli discloses a method according to claim 14 as indicated supra. Pricescan.com does not expressly disclose a method wherein the comparison information includes proximity and direction to the at least two offline providers. Giovannoli discloses a method wherein the comparison information includes proximity and direction to the at least two offline

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providers (abstract). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the apparatus, system, and method of Pricescan.com to include the limitations Giovannoli as discussed above in order to allow the consumer to save money and help take the hassle out of shopping (Pricescan.com: Page 3).

Referring to claim 21. Pricescan.com further discloses a method wherein the comparison information includes user review (page 12).

Referring to claim 22. Claim 22 is rejected under the same rationale as set forth in claim 1.

Referring to claim 23. Claim 23 is rejected under the same rationale as set forth in claim 1.

Referring to claim 24. Pricescan.com further discloses a computer system implement on a network environment (full text).

Referring to claim 25. Pricescan.com further discloses a computer system wherein the network environment further comprising a global communications network (full text).

Response to Arguments

Applicant's arguments with respect to claims 1, 22, and 23 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

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USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The Attorney argues that neither Pricescan.com nor Giovannoli teach, disclose, or contemplate a system that when a request is for a desired geographical area, a user may choose one of several target locations, which have been previously created and stored as claimed in the invention.

The Examiner notes Giovannoli does disclose a system wherein the process of the present invention begins when a buyer prepares a network compatible request for quotation (RFQ). The buyer additionally may prepare or has previously prepared a definition of the class of vendor to receive the request (Giovannoli: column 6, line 66 to column 7, line 30). This class of vendor is determined via numerous possible conditions including language, currency, or vendor location (Giovannoli: column 5, lines 9-34).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Pricescan.com to include the limitations Giovannoli as discussed above in order to allow the consumer to save money and help take the hassle out of shopping (Pricescan.com: Page 3).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

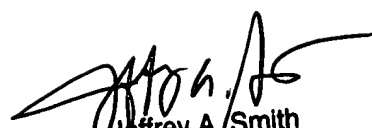
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MSG

October 14, 2003



Jeffrey A. Smith
Primary Examiner